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5693

Dorothea Anne Wolfe

Mahwah, New Jersey 07430

2005 DEC -6 P 4:25

SENSITIVE

**Office of the General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463**

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 NOV 21 A 10:24

Dear Office of the General Counsel:

As a declared candidate for United States Congress 5th District in New Jersey in 2004 and again in 2006, I have carefully adhered to the FEC regulations for "Testing the Waters vs. Campaigning" and "Starting the Campaign."

Another individual, Paul Aronson, entered the 2006 race for the New Jersey's Fifth Congressional District on April 11, 2005 by announcing a "Congressional Exploratory Campaign" (See attached Press Release printed from the Aronson website www.paularonson.com dated April 11, 2005).

On July 11, 2005, Mr. Aronson issued a Press Release entitled, "Campaign Update" (See attached Press Release printed from the same website www.paularonson.com dated July 11, 2005) wherein he describes members of an Advisory Committee and fundraising activities: "In addition to 75 individual contributions, we have already held two fundraising events."

On September 1, 2005, Mr. Aronson issued a Press Release entitled, "Campaign Update" (see attached Press Release printed from same above described website and dated September 1, 2005) wherein he describes his fundraising as "picking up steam" with the number of individual contributions increased to 140.

On Sunday September 11, 2005 he was quoted in the Star Ledger, the largest newspaper in New Jersey, as "a Democratic challenger" in an article attacking the incumbent Member of Congress.

Mr. Aronson has spoken before numerous Democratic Party gatherings as a person seeking the Democratic Nomination. At a gathering at a private home where we were both in attendance, both Mr. Aronson and I were introduced as "the two fine candidates for the

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Democratic Party to Challenge the Incumbent." When asked why he has not declared his candidacy, Mr. Aronsohn's response is always that he is running in the 5th Congressional District and that it is merely a 'technicality' that he has not formally filed with the FEC.

On October 27, 2005, Mr. Aronsohn sent out a mass mailing (see attached copy of letter) in which he states: "Recently I have launched a Congressional Exploratory Campaign, and am writing to ask for your support." He goes on to say "Every dollar we receive in the next few weeks can help us prepare for the fight against Scott Garrett". The mailing includes a return envelope for donations and is in color on printed stationery.

On November 1, 2005 Mr. Aronsohn issued a Press Release stating "We have crossed a major threshold....the campaign has already received about 225 contributions and has raised about \$100,000!"

Mr. Aronsohn has clearly "raised or spent over \$5,000" and is using a website as "general public political advertising". He has raised \$100,000 from over 225 contributors, which is to say, "raised more than what is reasonably needed to test the waters." He has "conducted activities over a protracted period of time." He also states in his letter dated October 27, 2005, that he recently launched a Congressional Exploratory Campaign when he, in fact, launched the campaign more than six months prior to the date of the mass mailing fundraising letter.

To date, Mr. Aronsohn has not filed either FEC Forms 1 or 2.

I am submitting this formal complaint concerning possible violations to FEC regulations pertaining to filing requirements of a Candidate seeking election to a seat in the United States House of Representatives.

In summary, the facts indicate that Mr. Aronsohn has gone beyond activities directed to an evaluation of the feasibility of his candidacy; instead, he is engaging in partisan political activities reflecting a personal decision to seek nomination for election to federal office.

Signed:

Dorothy Anne Wolfe
Dorothy Anne Wolfe

Signed:

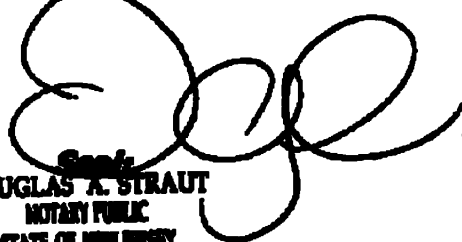


Notary Public

Subscribed and sworn to before me

On this 30 day of November 2005

Dated: *November 30, 2005*



Signed:

DOUGLAS A. STRAUT

NOTARY PUBLIC

STATE OF NEW JERSEY

MY COMMISSION EXPIRES NOVEMBER 07, 2007

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2005 DEC -6 1A 11:18

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CHAPTER 1

Testing the Waters

Before deciding to campaign for federal office, an individual may first want to "test the waters"—that is, explore the feasibility of becoming a candidate. For example, the individual may want to travel around the state or district to see if there is sufficient support for his candidacy. An individual who merely tests the waters (but does not campaign for office) does not have to register or report as a candidate [1] even if the individual raises or spends more than \$5,000—the dollar threshold that would normally trigger candidate registration (which is discussed in Chapter 2). Nevertheless, the individual must comply with the contribution limits and prohibitions. See *Advisory Opinion (AO) 1996-18*.

Once an individual begins to campaign or decides to become a candidate, funds that were raised or spent to test the waters apply to the \$5,000 threshold for qualifying as a candidate. 100.72(a) and 100.131(a). Once that threshold is exceeded, the individual must register with the FEC (candidates for the House of Representatives) or the Secretary of the Senate (candidates for the Senate), and begin to file reports, as discussed in Chapter 2.

1. Testing the Waters vs. Campaigning

Testing the Waters

An individual may conduct a variety of activities to test the waters. Examples of permissible testing-the-waters activities include polling, travel and telephone calls undertaken to determine whether the individual should become a candidate. 100.72(a) and 100.131(a).

Campaigning

Certain activities, however, indicate that the individual has decided to become a candidate and is no longer testing the waters. In that case, once the individual has raised or spent more than \$5,000, he or she must register as a candidate. Note that, when an individual decides to run for office, funds that were raised and spent to test the waters apply to the \$5,000 threshold.

Campaigning (as opposed to testing the waters) is apparent, for example, when individuals:

- Make or authorize statements that refer to themselves as candidates ("Smith in 2006" or "Smith for Senate");
 - Use general public political advertising to publicize their intention to campaign;
 - Raise more money than what is reasonably needed to test the waters or amass funds (seed money) to be used after candidacy is established;
 - Conduct activities over a protracted period of time or shortly before the election; or
 - Take action to qualify for the ballot.
- 100.72(b) and 100.131(b).

2. Contribution Limits and Prohibitions

Funds raised to test the waters are subject to the Act's contribution limits. Moreover, the individual who is testing the waters may not accept funds from prohibited sources. 100.72(a) and 100.131(a).

Limits

CHAPTER 2

Starting the Campaign

1. Individual Becomes a Candidate

An individual becomes a candidate for federal office—and thus triggers registration and reporting under the Act—when campaign activity exceeds \$5,000 in either contributions or expenditures. (Money raised and spent to test the waters does not count toward this dollar threshold until the individual decides to run for federal office or conducts activities that indicate he or she is actively campaigning rather than testing the waters. See Chapter 1, Testing the Waters.) The \$5,000 threshold is reached when:

- The individual and/or persons he or she has authorized to conduct campaign activity receive over \$5,000 in contributions or make over \$5,000 in expenditures; or
- The individual fails to disavow unauthorized campaign activity by writing a letter to the FEC within 30 days after being notified by the agency that another person or group has received contributions or made expenditures of more than \$5,000 on the individual's behalf. 100.3(a) and 102.13(a)(2).

2. Candidate and Committee Registration

The registration forms mentioned in this section (FEC Forms 1 and 2) are available from the FEC and on the Commission web site. Federal candidates and their committees should also contact the government offices and agencies listed in Appendix G for additional reporting requirements that are not within the FEC's jurisdiction.

Candidate

Within 15 days after an individual becomes a candidate, he or she must designate a principal campaign committee. (1) This designation is made by filing either a Statement of Candidacy (FEC Form 2) or a letter with the same information. (A candidate required to file electronically cannot designate a principal campaign committee with a written letter but must instead file Form 2. See below.) 101.1(a) and 102.12(a).

Under the "Millionaire's Amendment" (Appendix E), House and Senate candidates must declare on their Form 2 the amount by which they expect to exceed the applicable threshold amount of expenditures from personal funds, which might trigger increased contribution and coordinated party expenditure limits for their opponent. 400.20. Senate candidates file their original Form 2 with the Secretary of the Senate, and fax or e-mail copies to the FEC and each opposing candidate via fax or e-mail. House candidates file their Form 2 with the FEC and fax or e-mail copies to each opposing candidate.

Candidates running in states that have not qualified for a waiver of the state filing requirement must file a copy of their Form 2 with the Secretary of State (or equivalent state officer). For a sample of a completed Form 2, click here. (PDF)

Principal Campaign Committee

Within 10 days after it has been designated by the candidate, the principal campaign committee must register by filing a Statement of Organization (FEC Form 1). 102.1(a). The committee files the registration form with the Secretary of the Senate or the Federal Election Commission, as appropriate. A copy must also be filed with the Secretary of State (or equivalent state officer) in the state in which the

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A complaint must comply with certain requirements. It must:

- Provide the full name and address of the person filing the complaint (called the complainant); and
- Be signed, sworn to and notarized. This means that the notary public's certificate must say "...signed and sworn to before me..."

Furthermore, in order for a complaint to be considered complete and proper, it should:

- Clearly recite the facts that show specific violations under the Commission's jurisdiction (citations to the law and regulations are not necessary);
- Clearly identify each person, committee or group that is alleged to have committed a violation (called the respondent);
- Include any documentation supporting the allegations, if available; and
- Differentiate between statements based on the complainant's (the person who files the complaint) personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

II. Complaint: Early Stages

Receipt of Complaint

The Office of General Counsel (OGC) reviews each complaint to determine whether it satisfies the above criteria of a proper complaint. If the complaint does not meet the requirements, OGC notifies the complainant of the deficiencies within 5 days of receipt.

Once a complaint is deemed sufficient, OGC assigns it a MUR (Matter Under Review) number, acknowledges receipt of the complaint and informs the complainant that the Commission will notify him or her when the entire case is resolved. Until then, the Commission is required by law to keep its actions regarding the MUR confidential.

Notice to Respondent

Within 5 days after receiving a proper complaint, OGC sends each respondent a copy of the complaint and a description of the Commission's compliance procedures. The respondent has 15 days to respond in writing, explaining why no action should be taken.

In the case of a complaint that does not satisfy the requirements (see above), the respondent nevertheless receives a copy of the complaint and a letter explaining that the matter will remain confidential for 15 days to give

the complainant an opportunity to correct the complaint.

If the complainant corrects and refutes the complaint, the respondent is sent a copy of the corrected complaint and is given 15 days to submit a response to the Commission.

Respondent's Counsel

A respondent who wants to be represented by legal counsel must inform the Commission by sending a "statement of designation of counsel." This document, signed by the respondent, must include a statement authorizing the counsel to receive all communications from the Commission on behalf of the respondent and include the counsel's name, address and telephone number.

Once the Commission receives the "statement of designation of counsel," the agency will communicate only with the counsel unless otherwise authorized by the respondent.

III. Commission Action

Case Processing

After the 15-day response period has elapsed, OGC evaluates the case to determine whether it warrants the use of the Commission's limited resources. OGC makes this evaluation based on objective criteria approved by the Commission under its enforcement priority system. Cases that meet the threshold criteria are assigned to attorneys as their caseloads permit. Cases that do not, are dismissed by the Commission.

Initial Vote to Proceed (Reason to Believe)

With regard to each case that is assigned to an attorney, the General Counsel reports to the Commission and recommends whether or not there is "reason to believe" the respondent has committed or is about to commit a violation of the law. The Commissioners, however, make the final decision by voting for or against a "reason to believe" recommendation. (Four affirmative votes are required to go forward with any enforcement action.)² In casting their votes, the Commissioners consider the complaint, the respondent's reply, relevant committee reports on the public record and the General Counsel's analyses and recommendations.³

If the Commission decides there is "no reason to believe" a violation has occurred or is about to occur with respect to all of the allegations, the case is closed and the parties involved are notified.

If, on the other hand, the Commission finds that there is "reason to believe" the respondent has violated or is about to violate the law, the Commission opens an investigation.

Investigation

At the beginning of the investigation, the Commission sends a letter notifying the respondent of the "reason to believe" finding.⁵ The letter asks for a written reply and may include questions to be answered by the respondent.

As part of its investigation, the Commission may issue orders requiring sworn written answers, and subpoenas requiring a person to testify or to produce documents. If necessary, the Commission may ask a federal district court to enforce these subpoenas and orders. The investigation may also include less formal procedures, such as investigative interviews, and it may involve parties other than the respondent(s) who may have information pertinent to the complaint. The investigation may also include an audit of the respondent.

General Counsel's Brief

After the investigation is completed, the General Counsel prepares a brief that explains the factual and legal issues of the case and recommends whether the Commission should find there is "probable cause to believe" a violation has occurred or is about to occur. The respondent is sent a copy of the brief and has 15 days to file a reply brief explaining the respondent's position.

Early Resolution of Complaint (Pre-Probable Cause Conciliation)

Before the Commission mails the respondent the General Counsel's brief containing probable cause recommendations, the respondent may request, in writing, that the matter be resolved through pre-probable cause conciliation negotiations.⁶ Pre-probable cause discussions, which are limited to 30 days (absent an extension), may result in a conciliation agreement between the respondent and the Commission, thereby resolving the matter. (See "Resolution of Complaint" section below for description.)

If the negotiations do not resolve the matter, however, the Commission sends the respondent the brief. The respondent has 15 days to submit a reply brief.

Vote on Violations (Probable Cause to Believe)

After reviewing the briefs of both the General Counsel and the respondent, the Commission votes on whether there is "probable cause to believe" that a violation has occurred or is about to occur. (Four affirmative votes are required.)⁷ If the Commission decides there is "no probable cause to believe," the case is closed and the parties are notified.

If the Commission determines that there is "probable cause to believe" the law has been violated, the General Counsel attempts (for at least 30 days, but not more than 90) to correct or prevent the violation through informal methods of conciliation, i.e., by entering into a written conciliation agreement with the respondent.

Resolution of Complaint (Conciliation Agreement)

If the General Counsel and the respondent negotiate a conciliation agreement, the written agreement becomes effective once it is approved by an affirmative vote of 4 Commissioners and signed by the respondent and the General Counsel. Generally, the agreement includes a description of the facts and the law, admissions of the violations by the respondent, any remedial actions the respondent must take and a provision for the payment of a civil penalty by the respondent. The General Counsel sends a copy of the signed agreement to the respondent and, when the case is closed, to the complainant as well.

If conciliation does not result in an agreement within the 90-day period, the Commission may file suit against the respondent in federal district court.

IV. Complainant's Recourse

A complainant who disagrees with the Commission's dismissal of a complaint or who believes the Commission failed to act in a timely manner may file a petition in the U.S. District Court for the District of Columbia. In the case of a Commission dismissal, the petition has to be filed within 60 days after the date of the dismissal. 2 U.S.C. §432e(a)(8).

V. Confidentiality

To protect the interests of those involved in a complaint, the law requires that any Commission action on a MUI be kept strictly confidential until the case is resolved. These provisions do not, however, prevent a complainant or respondent from disclosing the substance of the complaint itself or the response to that complaint or from engaging in conduct that leads to the publication of information contained in the complaint. Nevertheless, information about a Commission notification of findings or about a Commission investigation may not be disclosed, unless the respondent waives his or her right to confidentiality, in writing.

Because the public has the right to know the outcome of any enforcement proceeding, a case file is made available to the public in the Press Office and the Office of Public Records within 30 days after the parties involved have been notified that the entire case has been closed.

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VI. For More Information

For more information on how to file a complaint, call the Information Division (202/694-1100). All media inquiries and questions concerning the status of a complaint should be directed to the Press Office (202/694-1220). Both offices can also be reached, toll free, at 800/424-9630.

FOOTNOTES:

1 See 2 U.S.C. §437g and 11 CFR 111.

2 Enforcement proceedings originate in other ways as well. For example, other federal agencies sometimes refer an enforcement matter to the Commission; and the Commission, itself, may initiate enforcement proceedings based on information gathered in the normal course of its supervisory functions such as reviewing reports or conducting field audits. In addition, a matter may enter the enforcement process through a *sua sponte* letter, that is, a letter sent by an entity who violates the law and notifies the Commission of the facts of the violation. In some cases, filing *sua sponte* may serve as a mitigating circumstance when the Commission considers the matter.

3 A complaint may allege several violations, in which case the Commission votes on each allegation separately.

4 At any point during the complaint process, however, the Commission has the discretion to take no further action in a particular matter.

5 In some cases, where sufficient information is already known, the Commission proposes a written conciliation agreement (see "Resolution of Complaint" section for description) to resolve the matter at the same time it notifies the respondent of the "reason to believe" finding.

6 In certain circumstances, the Commission will take the initiative to offer a written pre-probable cause agreement to respondent.

7 If several violations are alleged, the Commission votes on each one separately.

8 See Advisory Opinions 1994-32 and 1995-1.

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Federal Election Commission, 999 E Street, NW, Washington, DC 20463 (202) 424-9630 In Washington
(202) 694-1100
For the hearing impaired, TTY (202) 218-3536 Send comments and suggestions about this site to:
webmaster@fec.gov

PAUL ARONSOHN

Congressional Exploratory Campaign

PRESS ROOM

For Immediate Release
April 11th, 2005

Contact: Paul S. Aronsohn
(201) 857-2819

ARONSOHN SETS UP CONGRESSIONAL EXPLORATORY CAMPAIGN

Politics in Washington is broken. It's too divisive. It's too partisan. And it's too disconnected from the real issues that affect real people.

We need a new generation of leaders willing and able to do the right thing.
— Paul Aronsohn

Ridgewood - Former Clinton Administration official Paul Aronsohn today announced the formation of a congressional exploratory campaign in New Jersey's 5th district.

"My reason for doing this is simple," explained Aronsohn. "I care passionately about our State and our Country, and I am deeply concerned about the direction in which we are heading.

Too many New Jerseyans struggle day after challenging day to make ends meet, while our elected officials borrow and spend our nation further into debt.

Too many New Jerseyans struggle to get quality healthcare, while our elected officials - all of whom have taxpayer-funded coverage - do little to make the system better.

And too many New Jerseyans struggle to build a secure future for themselves and their children, while our elected officials take dangerous risks with our economy, our environment, and our retirement program."

Aronsohn, who also served a year in the McGreevey Administration, has spent most of his professional career in public service, including eight years working on foreign policy and national security issues under President Clinton. The Bergen County resident is currently an executive with one of the world's most respected healthcare companies, Pfizer Inc.

"We need a new generation of leaders - one who rejects the politics of cynicism and ideology, and embraces a politics of hope and moderation -- a new generation who recognizes that extreme politics - and the politicians who peddle it - do nothing to make people's lives better."

"In essence, we need a new generation of leaders who is committed to an old-fashioned idea - that public service should be about serving the taxpaying public."

Aronsohn plans to make a formal decision concerning the 2006 election by the end of this year.

Your Name

Email Address

Sign Up!

Subscribe!

"I will be spending the weeks and months ahead talking with and listening to the people of the 5th District. I will be traveling around the area to meet with community leaders and to participate in an ongoing conversation with the people of north and northwest New Jersey - the people who work hard, live right, and make our community such a special place."

For more information, please contact www.paularonson.com.

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Paid for by The Paul Aronson Congressional Exploratory Campaign

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PAUL ARONSOHN

Congressional Exploratory Campaign

New Jersey's 11th Congressional District

PRESS ROOM

For Immediate Release
July 11th, 2005

Contact Paul Aronsohn
(201) 857-2819

CAMPAIGN UPDATE

July 11, 2005

It's been three months since we launched our exploratory campaign, and what a busy three months it's been...

Advisory Committee

Our much valued advisory committee has expanded in size and depth:

- ✓ The Honorable Matthew P. McHale - Councilman & Mayoral Candidate, Dumont
- ✓ Rabbi Menachem Gensack - Englewood
- ✓ Dr. Robert Angelo - Rutgers University (Labor Studies & Employment Relations)
- ✓ Hal Benarish - Chemistry Council of New Jersey
- ✓ Bert Caldwell - International Brotherhood of Teamsters
- ✓ Andrew Frank - Strategy XOI Group/Fresh
- ✓ Jonathan Kopp - Sheperdson Stern & Kohnsky
- ✓ Christine Mosler - Virtual Campaigning LLC / Former Manager, Wells for Congress
- ✓ Marcel Roth - National Spinal Cord Injury Association

Check out the campaign's full advisory committee - [Advisory Committee](#)

Fundraising

By necessity, much time has been spent raising resources for our effort. So far, so good. In addition to more than 75 individual contributions, we have already held two fundraising events. Thanks to good friends Peter Bell, Ashley Sommer, John Cooper and Hannah Richert, these events were successful in every sense of the word. More events are being planned for the summer and fall. Stay tuned....

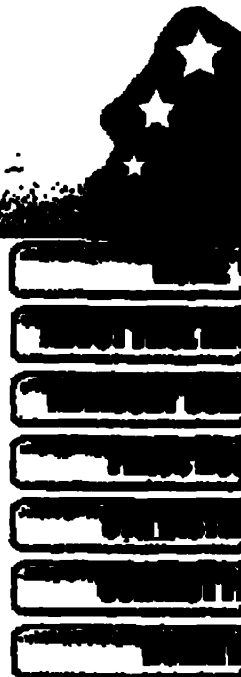
To help with our fundraising effort, we are planning to bring on board Vivian Santora (Santora LLC), who previously served as National Finance Director for Senator Hillary Rodham Clinton.

The success of this campaign, however, will depend on the generosity of people like you, so please ... [Click Here to Donate Today!!](#)

Meetings

In New Jersey, we've been meeting with numerous community leaders throughout the District and the State, including ... County Democratic Party Chairpersons, Municipal Party Chairpersons, labor leaders, business leaders, women leaders, and religious and ethnic leaders. We've also been consulting closely with two leading Members of N.J.'s Congressional Delegation - Rob Andrews and Bob Menendez.

In Washington, we've had the opportunity to speak with key groups and their representatives, including ... Howard Dean, Chairman, Democratic National Committee; Congressman Rahm Emanuel, Chairman, Democratic Congressional Campaign Committee; Congresswoman



Your Name

Email Address

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Ellen Tauscher, Chairwoman, New Democrat Coalition; Simon Rosenberg, President, New Democrat Network, and senior representatives of the Democratic Leadership Council.

Events

We've been attending many events within the District and throughout the State. Nonetheless, we will always remember Paul's first speaking engagement as a prospective candidate. On May 8, at the invitation of Chairman Howard Burrell, Paul spoke to a gathering of the Sussex County Democrats. And although he forgot to smile for this picture... he really enjoyed meeting the good people fighting the good fight in the northwest corner of our beloved State.

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.....
Paid for by The Paul Aronson Congressional Exploratory Campaign
.....

PAUL ARONSON

Congressional Exploratory Campaign

PRESS ROOM

For Immediate Release
September 1st, 2005

Contact Paul Aronson
(201) 857-2819

CAMPAIGN UPDATE

September 1, 2005

ADVISORY COMMITTEE

The Campaign's Advisory Committee has continued to grow in both size and depth with the addition of four key people -- each of whom brings to the campaign a wealth of experience in key issue areas:

Peter Bell - National Security Dr. Alex Grobman - Jewish Studies & Israel
Mimi Mager - Women's Issues & Civil Rights Prof Ron Verdick - Education

FUNDRAISING

The fundraising machine continues to pick up steam. In addition to about 140 individual donations, the Campaign is gearing up for a busy fall. Several activities are being planned over the next couple of months, including some high-profile events hosted by former White House Press Secretary Mike McCurry (September 15) and Ambassador Richard Holbrooke (October 13).

And stay tuned for an upcoming visit to the 5th District by New Mexico Governor Bill Richardson and an upcoming Washington event with former Clinton Advisor Paul Begala.

EVENTS

It's been a busy summer. Paul has continued reaching out to community and political leaders throughout the State. He has also attended many great events, including those organized in support of Midland Park Council Candidate Marion Plumley, River Edge Council Candidates Gloria McCarthy Hayden and Jay Buchholz, and Sussex County Assembly Candidates Tom Boyle and Brian Murphy.

Next week, at the personal invitation of American Federation of State, County, and Municipal Employees (AFSCME) Political Director Larry Suenkel, Paul will be attending a "Boot Camp" for prospective congressional candidates. He will be joined by Campaign superstars Vivian Suenkel and Esther Suenkel. The 3-day seminar is being organized by AFSCME and the New House PAC.

[Click Here to Donate Today!!](#)

[Send to a Friend] [Printer-Friendly Version]

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Your Name

Email Address

Sign Up!

Subscribe!

PAUL ARONSON

Congressional Exploratory Campaign
New Jersey's 5th District

October 27, 2005

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Dear

It is becoming increasingly clear: We need change in Washington, and we need it fast.

The corruption...the cronyism...the incompetence – it's all taking a very real, very serious toll on our security and on our quality of life. In fact, by practically every measure – national security, the economy, healthcare – we seem to be headed dangerously in the wrong direction.

Next year's congressional election will therefore provide us with both an opportunity and an obligation – an opportunity to bring about much needed change in Washington and an obligation to make that change a reality.

For that reason, I have launched a Congressional Exploratory Campaign, and I am writing to ask for your support.

A Unique Opportunity

The race in New Jersey's 5th Congressional District will be, in many ways, a bellwether for the rest of the country. By pitting a pro-business, pro-defense moderate Democrat against one of the most extreme Members of Congress, this race offers us a unique opportunity to bring about meaningful, lasting change.

Simply stated, Representative Scott Garrett, the incumbent, represents all that is wrong in Washington. He is too divisive. He is too extreme. And he is too disconnected from the real issues that affect real people.

His record – including his recent vote against the emergency relief package for the victims of Hurricane Katrina – underscores this point.

Because he is so extreme and so disconnected, Scott Garrett is also vulnerable.

The Aronson Congressional Exploratory Campaign

P.O. Box 563 • Ridgewood, NJ 07451-0563 • (201) 857-2318 • www.paularonson.com

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Granted, this will be a tough fight. Defeating an incumbent is never easy. But I have the energy, the experience, and the determination to win this race. And as evidenced by the attached news article, I am ready to begin fighting for our future ... now.

Record of Accomplishment and Experience

As a member of the Clinton Administration, I spent several years working on national security and international affairs issues - having served three U.S. Ambassadors to the United Nations: Madeleine Albright, Bill Richardson, and Richard Holbrooke.

Currently, I work for one of the most respected healthcare companies in the world, Pfizer Inc., where I promote greater access to life enhancing, life saving medicines.

Now, I want to take this experience and my passion for public service and put them to work for the people of New Jersey's 5th Congressional District.

What YOU Can Do To Help

This is a critical moment in our campaign. Every dollar we receive in the next few weeks can help us prepare for this fight against Scott Garrett and will demonstrate to everyone that Democrats are serious about this race - that with an energetic, experienced, moderate Democrat on the ticket, we have what it takes to win!

Please consider making a contribution at www.paularomach.com.

We have come a long way in just a few short weeks. And with your support, we can go the distance.

I am so grateful for all of your support. I couldn't do this without you.

Sincerely,

PA

Paul

P.S. Please continue to visit my website www.paularomach.com - we will have exciting news in the coming days and weeks ahead!

28044204924

Thank you for your support.

Yes, I would like to support Paul Aronson's Congressional Exploratory Campaign!
 Enclosed is my contribution for: ☐ \$500 ☐ \$250 ☐ \$100 ☐ \$50 ☐ Other \$ 25

**All gift of this amount must be cash!*

Please make your check payable to: *The Aronson Congressional Exploratory Campaign* and return it in the envelope provided.
 If you prefer to use your credit card, please fill out the information below.

Please charge my gift to: ☐ Visa ☐ MasterCard ☐ American Express

Card #: _____ Explanation: _____ Signature: _____

As individuals may contribute a maximum amount of \$2,100 per election (the primary and general are separate elections) to a federal candidate. Federal anti-contribution rules (FACA) may contribute \$1,000 for each election, primary and general. Contributions from corporations, labor organizations, treasury funds, foreign interests and federal government contributions are prohibited. Corporations and other persons are strictly prohibited from obtaining another person for making a contribution to The Aronson Congressional Exploratory Campaign.

To comply with federal law, we need our best efforts to obtain and report the name, billing address, occupation and employer of all individuals whose contributions aggregate in excess of \$500 per election cycle. Please print clearly.

Name: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Occupation: _____ Employer: _____

Corporate contributions to the committee are prohibited by law. Contributions are not tax deductible for federal income tax purposes.

The Star-Ledger

The Auditor

Sunday, September 11, 2005

Is U.S. Rep. Scott Garrett a man of principle or a miser with a mean streak?

Garrett is a Republican who represents the conservative 5th District, which stretches from Bergen County across the state's northern reaches into Sussex and Warren counties. He is also one of only 11 members of Congress who voted Thursday against a bill that provided \$52 billion for Hurricane Katrina relief.

"I knew the vote would give my critics something to use," Garrett tells the Auditor. "But if I have to pay a political price, I will."

He was right about the criticism. Within a few hours of the vote, a Democratic challenger, Paul Aronson, accused him of abandoning the hurricane's victims.

"It's outrageous," says Aronson. "It would have been the right thing to send a message to the people in the Gulf Coast that the nation stands behind them in unison. But he lacks the compassion and decency to do that."

Garrett says he is perfectly willing to spend \$52 billion on hurricane relief, and even more. But he did not want to write a blank check to the beleaguered Federal Emergency Management Agency without more oversight.

He wanted to parcel out the money in smaller bites, starting with about \$15 billion, then require FEMA to justify that spending before getting more. He notes that U.S. Sen. Harry Reid (D-Nev.), the Democratic leader, also expressed fears that FEMA would waste the money.

"A lot of people on the floor struggled with this vote," Garrett says. "I thought the better part of my job is to look after the people in the (Gulf) area, and what's best for them."

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PAUL ARONSON

Congressional Electoral Campaign

PRESS ROOM

For Immediate Release
November 1st, 2005

Contact Paul Aronson
(201) 857-2819

CAMPAIGN UPDATE

REMEMBER - NOVEMBER 8 IS ELECTION DAY

VOTE FOR JON CORZINE

FOR

GOVERNOR

ADVISORY COMMITTEE

The Campaign's Advisory Committee just keeps growing in both size and depth. Below are the newest members of the team:

Adrienne Germain

Leading Women's Activist

Kelli Jones

Former President, NAACP (NJ Chapter)

Omar Rodriguez

President, Saddle Brook Council

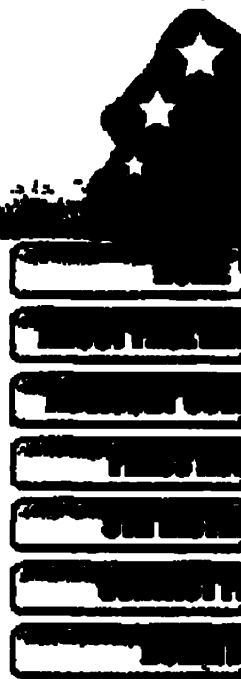
For more information on these and other advisory committee members, check out our website - www.paularonson.com.

FUNDRAISING

Well, we've crossed our first major threshold. With more than a year until the election, the campaign has already received about 225 individual contributions and has raised about \$100,000!!

To put this in perspective, remember ...

- ✓ the last 5th District Democratic nominee had only about 150 individual contributions throughout the entire election cycle; and



Your Name

Email Address

Sign Up!

Subscribe!

✓ the last 5th District Democratic nominee had \$0 by this time in the last election cycle.

In other words, we are ahead of the curve and moving forward... fast.

Thanks to all who are making this campaign possible, including good friends Beth and Eric Berman, who recently hosted a very special event along with Jon Kepp and Andrew Frank. Special thanks also go to Gina and David Chu for opening their home to us for an extraordinary event with co-hosts Mia Farrow, Pam Gali, and Richard Holbrooke.

Next Up: Two events with key members of former President Clinton's Administration - Mike McCurry will be hosting an event in his office, and Paul Begala will be headlining an event on Capitol Hill. Both events will take place on Thursday, December 8 in Washington. For more information, please contact Vivian Senter at vsenter@nyo.ny.com.

EVENTS

Paul recently spent a few days at a "boot camp" for congressional candidates. The training session was hosted and run by AFSCME and the New House PAC. Among the weekend's highlights were speeches by House Democratic Minority Leader Nancy Pelosi, former Representative Ron Dellums, and AFSCME's Lee Swadlow.

Paul has also been criss-crossing the District - participating in numerous events in support of our candidates - and has been meeting with key political leaders in New Jersey and Washington. And thanks to good friend Bill Agee, Paul even had a chance to discuss his race with former Democratic Presidential Candidate John Kerry.

PHOTO GALLERY

Check out our website soon for a new "photo gallery" with some shots from the campaign trail.

[[Send to a Friend](#)] [[Printer-Friendly Version](#)]

Fold for by The Paul Aronson Congressional Exploratory Campaign

Federal Election Commission Advisory Opinion Number 1981-32

Link to Federal Election Commission Advisory Opinions Search Page

Federal Election Commission Main Page

October 2, 1981

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

ADVISORY OPINION 1981-32

Donald M. Middlebrooks

Stearns Hester & Davis

Southeast First National Bank Building

Miami, Florida 33131

Dear Mr. Middlebrooks:

This refers to your letter of July 30, 1981, requesting an advisory opinion on behalf of Robin Ashow concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act") to various activities planned by Mr. Ashow with a view to his possible candidacy for the Office of President of the United States.

Your letter indicates that Robin Ashow, a former governor of Florida, proposes to undertake a variety of activities to determine whether his candidacy for the Democratic nomination for President is feasible and desirable. You state that Governor Ashow is not now a candidate and professes to avoid at this time any action that would make him a candidate under the Act. He does, however, intend to file reports of all contributions and expenditures voluntarily with the Commission. Your request further explains that Governor Ashow is not a public official and his usual duties with his law firm do not actually involve the receipt of travel within the United States or the type of activities necessary to determine the viability of a presidential campaign. Your request lists numerous activities and proposals and asks whether they would be permissible under the exemptions in Commission regulations for "testing the waters" activity. The request further asks:

a) Whether there is a point at which undertaking any or all of the activities specified will make Governor Ashow a "candidate" under the Act even though he has not made a decision to become a candidate.

b) Whether during the period when the described activities are pursued it is necessary for records to be maintained concerning "in kind contributions".

c) Whether any funds that remain in the account used for the described activities may be transferred to a principal campaign committee account in the event a decision is made to become a candidate.

Your request sets forth 14 specific planned activities and functions related to Governor Ashow's effort to decide if he should become a presidential candidate for 1984. You ask whether these activities would be considered by the Commission as exempt under the regulations at 11 CFR 100.7(b)(1). These activities are:

- Travel throughout the country for the purpose of speaking to political and non-political groups on a variety of public issues and meeting with opinion makers and others interested in public affairs for the purpose of determining whether potential political support exists for a national campaign.

- Employment of political consultants for the purpose of meeting with advice on the potential and mechanics of constructing a national campaign organization.

- Employment of a public relations consultant for the purpose of arranging and coordinating speaking engagements, transcribing copies of the Governor's speeches, and

arranging for the publication of articles by the Governor in newspapers and periodicals.

4. Rental of office space.

5. Rental or purchase of office equipment for the purpose of compiling the names and addresses of individuals who indicate an interest in organizing a national campaign.

6. Preparation and use of letterhead stationery and correspondence with persons who have indicated an interest in a possible campaign by the Governor. It is understood that dissemination of information through mailings to the general public would not be appropriate "Testing the Waters" activity.

7. Supplementing the salary of a personal secretary who is employed by the Governor's law firm but will have the additional responsibility during the testing period of making travel arrangements, making and placing telephone calls related to the testing activities, assisting in receiving and depositing the funds used to finance the testing, and assisting with general correspondence.

8. Reimbursement of the Governor's law firm for the activities of an associate attorney who is employed by the firm but will have the responsibility during the testing period of researching and preparing speeches, and coordinating the arrangement of interviews of the Governor by the news media, answering inquiries of the news media, arranging background briefings on various public issues, and traveling as an aide on some of the testing trips.

9. Reimbursement of the Governor's law firm for telephone costs, copying costs, and other incidental expenses which may be incurred.

10. Travel to other parts of the country in order to attend briefings on various public issues, and reimbursement of those who travel to Miami for the purpose of providing briefings on public issues.

11. Employment of a specialist in opinion research to conduct polls for the purpose of determining the feasibility of a national campaign.

12. Employment of an assistant to help coordinate travel arrangements and also travel as an aide on some of the testing trips.

13. Preparation and printing of a biographical brochure and possibly photographs to be used in connection with speaking engagements by Governor Ashew. It is understood that such a brochure and such photographs would not be utilized in a general mailing.

14. Solicitation of contributions for the limited purpose of engaging in such "Testing the Waters" activities as the foregoing. It is understood that this period would not be used for the purpose of raising funds for any possible later campaign.

As you are aware, Commission regulations set forth exceptions from the definition of contribution and expenditures which permit an individual to finance a variety of activities to assist in making a determination of whether to become a candidate for Federal office. Activities which are conducted within the exemption do not result in the occurrence of a contribution or expenditure, and therefore do not by themselves cause the person to become a candidate under the Act. If and when the individual becomes a candidate the regulation has a retroactive effect in that the financing of all activity coming within the exemption must be reported and otherwise treated as contributions and expenditures for purposes of the Act and regulations. The regulation which governs the exemption from the definition of contribution provides:

(1) Funds received and payments made solely for the purpose of determining whether an individual should become a candidate are not contributions. Activities permissible under this exemption include, but are not limited to, expenses incurred for conducting a poll,

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For example, any name selected for the testing the waters effort must avoid expressions such as "Ashow for President," or "Ashow in '84," etc. Also, titles or headings used to identify an office (activity 4) and on letterhead stationery (activity 6) must avoid similar types of campaign connotations. The Commission is particularly concerned with respect to activities listed as 3, 6, and 13, since they envisage considerable public contact and could entail a purposeful, active effort to gain all possible political benefit from those contacts. Activities 3 and 13 appear to project Governor Ashow to the public as a person qualified to be taken seriously as a presidential contender, rather than as a means to ascertain if he would be so perceived by the public. Also, with respect to activity 6, it appears that continuing correspondence would be directed to individuals who initially indicated an interest in a possible campaign by Governor Ashow. The apparent reason for such correspondence with the individual is reinforcement of his or her initial indication of political support. As such, the activity appears less oriented to ascertaining whether there is an initial base of political support adequate to launch a campaign effort, and more oriented to shoring up a base already identified that will sustain an actual campaign effort. In addition, the Commission is concerned that other activities, 2 and 8 for example, may be carried out in a fashion indicating that a campaign organization is actually being established, rather than remaining a matter for consultation.

Accordingly, if activities 3, 6, and 13 or any other activities take place in a factual context indicating that Governor Ashow has moved beyond the deliberative process of deciding to become a candidate, and into the process of planning and scheduling public activities designed to bolster his political appeal to the electorate, then it is the Commission's opinion that the activity would cease to be within the exemption, and candidacy would arise.

With respect to question a) from your request, the Commission refers you to the foregoing discussion as responsive. The question is too general and hypothetical to merit an extensive response at this time. 11 CFR 112.1(b).

The Commission notes, however, that the time period during which any or all of the listed activities occur may have relevance to the issue of whether the activity is within the exemption. For example, if Governor Ashow engages in several of the activities during several months in 1982, the continuation of those activities beyond January 1, 1983, would be very significant in determining the applicability of the exemptions in 1983. A person who becomes a presidential candidate for 1984, and who establishes eligibility for matching Federal payments from the Presidential Election Campaign Fund (26 U.S.C. §§ 9031 et seq.), may begin on January 1, 1983, to receive contributions that can later qualify for matching Federal payments. 26 U.S.C. §§ 9034. Engaging in those activities over a protracted time period would appear to diminish their usefulness for testing the waters purpose and would conversely suggest that their effect as a means of building campaign support would be magnified.

In response to question b), the Commission concludes that in-kind gifts or loans of goods or services provided in connection with Governor Ashow's testing the waters activities would be contributions under the Act to the same extent as would cash gifts or loans. Aside from special reporting rules and the manner of ascertaining the appropriate valuation, contributions of "anything of value" are treated the same as contributions of money and are thus subject to the Act and Commission regulations. See 2 U.S.C. §§ 4314(a)(1), §§ 441b(a)(2), and 11 CFR 103.7 (a)(1)(iii), 104.12. Therefore records of such contributions should be retained during the testing the waters activity. The fact that the quoted regulation refers specifically to "funds received" was not intended to change the general rules

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telephone calls and travel, to determine whether an individual should become a candidate. The individual shall keep records of all such funds received and payments made. If the individual subsequently becomes a candidate, the funds received and payments made are contributions and expenditures subject to the limitations, prohibitions and requirements of the Act. Such contributions and expenditures must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received or the payments made. This exemption does not include funds received or payments made for general public political advertising nor does this exemption include funds received or payments made for activities designed to amass campaign funds that would be spent after the individual becomes a candidate. 11 CFR 100.7 (b)(2)

A partial exemption is made to the definition of expenditure at 11 CFR 100.20(1). (Another related regulation is 11 CFR 101.3.) These limited exemptions, commonly referred to as the "testing the waters" exemptions, were included in Commission regulations so that an individual would not be discouraged from pursuing a variety of activities to determine whether a candidacy for Federal office is feasible. The Commission has indicated that the exemptions are available to determine "political support" for a potential candidacy and that under the exemption funds may be spent to determine whether one should become a candidate. Advisory Opinion 1978-25. Another opinion of the Commission recognizes that the exemption would apply to funds spent during a time period when one is "evaluating" a candidacy for Federal office. See Advisory Opinion 1978-40. Accordingly, it is apparent that the regulations seek to draw a distinction between activities designed to an evaluation of the feasibility of one's candidacy, as distinguished from conduct signifying that a private decision to become a candidate has been made. The actual language of the regulation limits the exemption to activities designed to determine whether to run; it explicitly limits the activities to those "solely" for this purpose. Moreover, the regulation expressly provides that it is not designed to allow any activities to promote a campaign. Thus, the exemptions prohibit activity designed to encourage funds to be spent at a date after the decision to become a candidate is made; nor is the exemption available for "general public political advertising." These restrictions demonstrate that the exemption becomes inapplicable once the public activities of the individual take on a partisan political quality which would indicate that a decision has been made to seek nomination for election, or election, to a Federal office. Conduct of this type is distinguished from continuing to deliberate whether one should actually seek elective Federal office.

The Commission concludes that the testing the waters exemptions of the regulations permit all of the 14 activities described in your report provided and only so long as Governor Ashew is undertaking any single activity, or all the various activities, continues to deliberate his decision to become a presidential candidate for 1984, as distinguished from pursuing the activity as a means of seeking some affirmation or reinforcement of a private decision he has already made to be a candidate. In this respect the Commission cautions specifically that commencing or continuing the activities listed will fall outside the testing the waters exemption if they, in various, represent the establishment of a campaign organization. This means that any oral or written statements by Governor Ashew, or by others who assist in any of the 14 activities, may not refer to him as a presidential candidate.

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as to what is meant by the term "contributions;" nor was the regulation language intended to deny the applicability of the exception to "in kind" donations for testing the water activity. The fact that in kind goods or services are not expressly mentioned in the regulation exception to the definition of contribution could arguably indicate that such in kind gifts would be viewed as contributions and thus trigger candidate status if they aggregated in excess of \$5,000. The Commission does not interpret its regulations in that light and considers use of the phrase "funds received" as including the receiving and use of "anything of value."

In response to question c), the Commission concludes that so long as the funds (or in kind donations) are collected and received to defray expenses for activity within the testing the waters exception, then any funds obtained expressly for that purpose could be retained and transferred to Governor Ashew's principal campaign committee within the first reporting period after he becomes a candidate, 11 CFR 101.2, 101.3. Such funds are considered contributions when the financing of activity within the exception becomes subject to retrospective treatment as contributions and expenditures under the Act and Commission regulations. Of course, as the regulation states, a fundraising effort designed and implemented to amass campaign funds that would be used for expenditures after Governor Ashew has become a candidate, is prohibited as a testing the waters activity. Accordingly, the critical factor is that to stay within the exception, the funds must be raised for the purpose of financing the exempt activity. Funds received for testing the waters purposes that exceed what is reasonably expected to be spent for those purposes, would presumably have been raised for future campaign expenditures and thus would be viewed as contributions. As contributions they would count toward the \$5,000 threshold for candidate status unless returned to the donors within 15 days of receipt. The threshold for candidate status is receiving contributions or making expenditures that in either case aggregate over \$5,000. 2 U.S.C. 52 431(2), 11 CFR 100.3. Once an individual becomes a candidate he or she has 15 days to designate in writing a principal campaign committee by filing a Statement of Candidacy (FEC Form 2). 2 U.S.C. 52 432(a), 11 CFR 101.1. Accordingly, the return (within 15 days of receipt) of funds considered to be contributions, because they exceed amounts reasonably expected to be spent for activities within the testing the waters exception, would be necessary to avoid the onset of candidate status. This response constitutes an advisory opinion concerning application of the Act, or regulations promulgated by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. 52 437g.

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